

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JOHN KEVIN KOTHMANN, 740358,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 3:06-CV-500-L
	§	ECF
TEXAS DEPT. OF CRIMINAL JUSTICE,	§	
ET AL.,	§	
	§	
Defendants.	§	

ORDER

This is a pro se civil rights case brought by Plaintiff John Kevin Kothmann (“Kothmann” or “Plaintiff”) against the Texas Board of Pardons and Parole, the Texas Department of Criminal Justice, and the State of Texas. Pursuant to 28 U.S.C. § 636(b), this action was referred to the United States Magistrate Judge for proposed findings and recommendation.

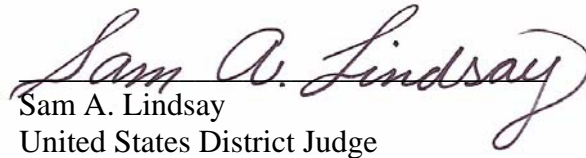
Kothmann was released to mandatory supervision after serving part of a ten-year sentence for an unspecified criminal offense. His mandatory supervision has been revoked a number of times for violations of the conditions of supervised release. As a result of the revocations, Kothmann has lost accumulated work and good time credits. He maintains that the revocations, forfeiture of his work and good time credits, and the requirement that he wear a leg monitor are unconstitutional.

On July 12, 2006, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) were filed. The magistrate judge determined that Kothmann’s claims against the Board of Pardons and Parole are barred by the doctrine of res judicata, as Kothmann raised the same claims in *Kothmann v. Texas Board of Pardons and Parole, et al.*, No. 3:06-CV-0123-M (N.D. Tex.). That action was dismissed. The magistrate judge also determined that

Kothmann's claims against State of Texas and the Texas Department of Criminal Justice are barred by immunity under the Eleventh Amendment. The magistrate judge recommends that Kothmann's complaint be dismissed pursuant to 28 U.S.C. § 1915(e)(2), as he fails to state a claim on which relief may be granted. Kothmann did not file objections to the report.

Having reviewed the pleadings, file and record in this case, and the findings, conclusions and recommendation of the magistrate judge, the court determines that the findings and conclusions of the magistrate judge are correct. They are therefore accepted as those of the court. Accordingly, the court **dismisses this action with prejudice** pursuant to 28 U.S.C. § 1915(e)(2), as Kothmann fails to state a claim on which relief may be granted.

It is so ordered this 27th day of September, 2006.


Sam A. Lindsay
United States District Judge